

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 11335 of 2014(O&M)

Date of decision: 19.1.2017

Balwinder Kaur and anotherPetitioners

VERSUS

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

None for respondent No.2.

REKHA MITTAL, J.

By invoking Section 482 Cr.P.C., the petitioners pray for quashing of criminal complaint No.101 dated 04.05.2012 now RBT No.296 dated 23.07.2013 titled **Akwinder Kaur Vs. Bikramjit Singh @ Vikramjit Singh and others**, under Section 498-A, 406, 506 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') pending in the Court of Judicial Magistrate Ist Class, Batala and proceedings emanating therefrom including the summoning order dated 31.10.2013 (Annexure P-4).

Counsel for the petitioners has submitted that Akwinder Kaur, was married to Bikramjit Singh @ Vikramjit Singh son of Avtar Singh on 30.11.2008. Out of the wedlock, one female child was born. As per allegations in the complaint, complainant was turned out of the matrimonial home on 11.09.2011. However, the complaint was filed in May 2012, wherein the husband, parents-in-law, sister in law, the

petitioners and two more persons were arrayed as accused. It is argued with vehemence that the petitioners are the paternal uncle (Taya) and paternal aunt (Tai) of Bikramjit Singh @ Vikramjit Singh and they are residing separately. The petitioners have nothing to do with the marital affairs of Bikramjit Singh @ Vikramjit Singh and the complainant much less with any articles of Istridhan or demand of dowry. The respondent has raised general and vague allegations against the accused with an intent to make the net wider and rope in maximum number of relatives of Bikramjit Singh @ Vikramjit Singh, to be used as a pressure tactic for compelling the husband and parents in law to succumb to the terms and conditions of the complainant. It is vehemently argued that the trial Court without examining relationship of the petitioners and husband of the complainant and further the fact that there is no specific allegation against the petitioners either with regard to entrustment of articles of dowry, misappropriation thereof or subjecting the complainant to harassment much less cruelty on account of demand of dowry has passed the summoning order. The last submission made by counsel is that the criminal proceedings against the petitioners are nothing short of abuse and misuse of process of law, thus, liable to be quashed.

I have heard counsel for the petitioner, perused the paper-book particularly the complaint (Annexure P-3) and summoning order (Annexure P-4).

Before advertng to the submissions made by counsel for the petitioners, it is pertinent to note that respondent No.2/complainant was being represented by a counsel but she never filed reply to the petition. Later, counsel for the complainant even stopped attending to the

proceedings since 08.11.2016. As the respondent/complainant has not filed any reply to the petition, there is no challenge to averments of the petition with regard to relationship of the petitioners with Bikramjit Singh @ Vikramjit Singh and his family and the fact that they are residing separately.

A bare perusal of the allegations set up in the complaint would make it evident that no allegations have been levelled against the petitioners either with regard to entrustment of articles of Istridhan or causing any cruelty to the complainant in connection with demand of dowry. On the contrary, in para 5 of the complaint, it has been mentioned that at the time of handing over the dowry articles to all the accused, father of the complainant directed accused No.1 to 4 that dowry articles are the Istridhan of the complainant and the same should be handed over to her whenever she will demand for use. In para 4, there is no allegation if any article of Istridhan was handed over to the petitioners. However, in para 4 there is reference that one gold *kara* was entrusted to Bikramjit Singh @ Vikramjit Singh and 7 gold rings were entrusted to each accused No.2 to 8. It has nowhere been specifically mentioned that these rings were a part of Istridhan of the complainant or required to be returned to her. This apart, the complainant stayed in the matrimonial home for a period of about 3 years. It is none of the allegations that the petitioners carried any of the articles of dowry belonging to the complainant to their own house and misappropriated the same.

When the facts and circumstances of the present case are examined in the light of judgments of Hon'ble the Supreme Court of India

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SCC 667 and Geeta Mehrotra and another Vs. State of U.P. and another, 2012 (4) RCR 812, this Court has no hesitation to conclude that criminal proceedings lodged against the petitioners are nothing but misuse of process of law and liable to be quashed to enhance the cause of justice.

For the foregoing reasons, the petition is allowed. The criminal proceedings initiated by filing complaint No.101 dated 04.05.2012 now RBT No.296 dated 23.07.2013 titled **Akwinder Kaur Vs. Bikramjit Singh @ Vikramjit Singh and others**, under Section 498-A, 406, 506 read with Section 34 IPC are ordered to be quashed only qua the petitioners.

However, nothing stated in this order shall cause prejudice to case of the complainant against other accused facing trial.

JANUARY 19, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no